

Paul B. Meadowbrook, P.C.  
913 1<sup>st</sup> Ave. E.  
Albany, OR 97321  
Tel (541) 791-4544  
Fax (541) 791-4710  
OSB No. 793226  
[paul@paulmeadowbrook.com](mailto:paul@paulmeadowbrook.com)

Attorney for Plaintiff

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF OREGON  
EUGENE DIVISION

JEN MEADOWBROOK and  
CHERITH SCHUCK,

Plaintiffs,

v.

STATE OF OREGON,

Defendant.

No. 0:17-cv-92

COMPLAINT

(FLSA violations)

Jury trial demanded

JURISDICTION AND VENUE

1. This is a civil action for back wages, penalties, liquidated damages, attorney fees and costs for violating the Fair Labor Standards Act ("FLSA"), 29 U.S.C. §§ 206 and 216.

2. Plaintiffs Jennifer Meadowbrook and Cherith Schuck are Personal Support Workers (PSWs) who provide in-home services for minor children with developmental disabilities.

3. In Meadowbrook's case she provides services Benton County; in Schuck's case she provides services in Linn County and Benton County.

4. Defendant is the FLSA employer under the "economic realities" test used by federal courts: Defendant sets wages, hiring standards, paydays and

issues paychecks pursuant to a collective bargaining agreement covering a bargaining unit of 7,500 PSWs across the state.

5. On information and belief Defendant's source of PSW wages are entirely federal funds, including without limitation Medicare and Medicaid monies.

6. Plaintiffs allege that Defendant violated the FLSA when it failed to pay Plaintiffs for all time worked and owing on the established January 18, 2017 payday.

7. Jurisdiction for federal claims is provided by 28 U.S.C. §§ 1331, 1332(e)(1) 1343(3) and (4) and 1337.

8. Venue is appropriate in the Eugene Division of United States District Court for the District of Oregon under 28 U.S.C. § 1391(b) and LR 3-2.

FIRST CLAIM  
(FLSA WAGE CLAIM)

9. Plaintiffs reallege paragraphs 1-6.

10. Defendant's established paydays for time worked from December 16 to December 31, 2016 is January 18, 2017.

11. Plaintiffs worked during the December 16 to December 31, 2016 pay period.

12. Defendant issues PSW paychecks using the Oregon Department of Human Service's (DHS's) Express Payment Reporting System ("EXPRS") and, for the first time for the January 18, 2017 payday, Public Partnerships LLC ("PPL").

13. The switch over from PPL's predecessor to PPL did not go well.

14. PPL and EXPRS blamed each other for problems in the run up to the January 18, 2017 payday.

15. For its part, PPL initially assured Plaintiffs on or about January 3, 2017 that they could relax, that EXPRS had agreed to work arounds to insure that Plaintiffs would be timely paid January 18, 2017.

16. Thereafter, PPL and EXPRS stopped taking calls from PSWs, including Plaintiffs, forcing Plaintiffs and other PSWs to leave messages that were

not returned.

17. When PPL and EXPRS call centers did take phone calls from Plaintiffs, PPL and EXPRS continued to blame each other but for the first time said that PSWs would not be timely paid on January 18, 2017.

18. In response to this news on January 13, 2017 Plaintiffs counsel delivered a letter to DHS Director Clyde Saiki and Governor Brown's ombudsmen of the threatened non-payment of Plaintiffs and other of the 7,500 PSWs.

19. Neither Saiki nor the governor's office responded to the letter directly or through representatives from XPRS or PPL.

20. On January 18, 2017 Defendant paid Meadowbrook for none of her work hours in the December 16 to December 31, 2016 pay period and paid Schuck for only about half her work hours in that pay period.

21. Defendant's actions violated 29 U.S.C. § 206 and 216.

22. As a result those violations Defendant owes Meadowbrook \$1,372 back wages plus \$1,372 liquidated damages; Defendant owes Schuck \$378 back wages plus \$378 liquidated damages.

23. Meadowbrook and Schuck incurred attorney fees and costs, and are entitled to an award of attorney fees and costs in an amount determined by the court pursuant to 29 U.S.C. § 216 and 28 U.S.C. §§1920 and 1923.

#### PRAYER

Wherefore, Plaintiffs pray for judgment for them and against Defendants jointly and severally as follows:

1. Meadowbrook: \$1,372 back wages, \$1,372 liquidated damages plus reasonable attorney fees and costs determined by the court.

2. Schuck : \$378 back wages, \$378 liquidated damages plus reasonable attorney fees and costs determined by the court. damages, plus reasonable attorney fees and court costs to be determined by the court.

January 19, 2017

Paul B. Meadowbrook  
Paul B. Meadowbrook, OSB No. 793226  
Attorneys for Plaintiffs